



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 02, 2015

**9:00 a.m.
Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officer

**Steve McHarris, Planning Official
on behalf of**

**Harry Freitas, Director
Planning, Building, and Code Enforcement**

NOTICE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Elizabeth Zepeda at 408-535-7868 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning and welcome to the Planning Director's Hearing of **December 02, 2015**. My name is **Steve McHarris** and I am the Hearing Officer for today's agenda on behalf of and delegated by the Director of Planning, Building and Code Enforcement Harry Freitas.

Please note the following:

- Turn off your cell phones and pagers as we are broadcasting and recording this meeting.
- A copy of the agenda is available on the tables by the doors for your convenience.
- A parking validation machine is available at the top of the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The hearing procedure and order of input is as follows:

1. I will identify the project as described on the agenda
2. Staff will provide a brief report
3. The applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their name and home address, or just wave from the audience if you do not wish to speak
4. The public provides testimony up to 2 minutes per speaker, either for or against the project. Please state your name and home address for the record
5. Following the public testimony, the applicant may make closing remarks of up to 5 minutes
6. The public hearing will then be closed. I may request staff to respond to the public testimony, ask staff questions and/or discuss the item and then I will take action on the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit or the environmental clearance determination is appealed. The Planning Director's actions on the permits are appealable in accordance with the requirements of Title 20 (Zoning) of the Municipal Code. The Planning Director's actions on the environmental review for the permits under the California Environmental Quality Act (CEQA) are separately appealable in accordance with the requirements of Title 21 (Environmental Clearance) of the Municipal Code.

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at <http://www.sanjoseca.gov/documentcenter/view/3818>

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

No Items

The matter of Deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff or the public to have an item removed from the consent calendar and considered separately.

- a. The proposed projects are located on a 25.5-gross acre site located on the northeast corner of Zanker Road and Montague Expressway (3130 Zanker Road) in the IP Industrial Park Zoning District (BXP Zanker Rd LP, Owner). Council District 4. CEQA: Determination of Consistency to the Addendum to the North San Jose Environmental Impact Report, Resolution No. 72768.

PROJECT MANAGER, REBECCA BUSTOS

The projects being considered are:

1. **H15-037.** Site Development Permit to allow the removal of up to 110 ordinance size trees, façade improvements to two of the four existing office/R&D buildings, and the construction of 536,949 square feet of new office/R&D, and other permitted uses of the IP Industrial Park Zoning District, two parking garages, and related site improvements at an existing office/R&D facility.
2. **T15-061.** Tentative Map to reconfigure four existing lots into eight lots and one remainder.

Staff Recommendation: Consider the Determination of Consistency to the Addendum to the North San Jose Environmental Impact Report, Resolution No. 72768, in accordance with CEQA. **Approve** a Site Development Permit and a Tentative Map as described above.

- b. **H15-038.** Site Development Permit to allow the demolition of an existing 498 square foot garage and the construction of a new 650 square foot detached garage for an existing duplex on a 0.2 gross acre site, in the R-2 Two-Family Residence Zoning District, located on the east side of Minor Avenue, approximately 140 feet north of Brown Street (582 Minor Ave) (Vasquez, Gilbert B. and Adelina R. Trustee, Owners). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

PROJECT MANAGER, ROSCOE MATA

Staff Recommendation: Consider the Exemption in accordance with CEQA. **Approve** a Site Development Permit as described above.

- c. **PD15-038 and PT15-041.** Planned Development Permit and Tentative Map to allow the subdivision and grading of seven (7) single family lots and one (1) common lot, and the removal of four (4) ordinance sized trees and twelve (12) non-ordinance sized trees, on a 2.84 gross acre site, in the A(PD) Planned Development Zoning District, located approximately 500 feet east of Quimby Road and Deedham Drive (3770 Quimby Road) (Huang, Tammy C. et al, Huang, Euson, Owners). Council District 8. CEQA: Addendum to Mitigated Negative Declaration for PDC10-002.

PROJECT MANAGER, ROSCOE MATA

Staff Recommendation: Consider the Addendum to Mitigated Negative Declaration for PDC10-002 in accordance with CEQA. **Approve** a Planned Development Permit and Tentative Map as described above.

- d. **PDA78-051-02.** Live Tree Removal Permit to allow the removal of one (1) Poplar tree, approximately 113 inches in circumference, located in the parking lot of a commercial bank on an approximately 0.87 gross acre site, in the IP(PD) Planned Development Zoning District, located at 155 Bernal Road. (Bank of America Nt and Sa, Owner). Council District 2. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, DAVID FONG

Staff Recommendation: Consider the Exemption in accordance with CEQA. **Deny** a Live Tree Removal Permit as described above.

- e. **PDA91-006-88.** Planned Development Permit Amendment to construct a two-story, 6,476-square foot single-family residence with a three-car attached garage at a Floor Area Ratio of 0.17, and the removal of one Oak tree 62 inches in circumference and retaining walls greater than two feet in height, on an approximately 0.88 gross acre site, in the A(PD) Planned Development Zoning District, located at 7280 Glenview Drive (Mani Etemad and Susan Khoshnood, Owners). Council District: 10. CEQA: Exempt per CEQA Guidelines Section 15303(a) for New Construction or Conversion of Small Structures.

PROJECT MANAGER, RINA SHAH

Staff Recommendation: Consider the Exemption in accordance with CEQA. **Approve** a Planned Development Permit Amendment as described above.

- f. [SP15-032](#). Special Use Permit to allow: 1) the demolition of the existing buildings on site (totaling 110,512 square feet); 2) construction of a three-story, 195,000-square foot building; and 3) the incidental repair of vehicles in conjunction with passenger vehicle sales, in the CG Commercial General Zoning District, located on the northeast corner of Capitol Expressway Auto Mall and Pearl Avenue, at 775 Capitol Expressway Auto Mall (Auto Focus Inc., Owner). Council District: 9. CEQA: Addendum to the Capitol Toyota Expansion Project Negative Declaration.
PROJECT MANAGER, LEA SIMVOULAKIS

Staff Recommendation: Consider the Addendum to the Capitol Toyota Expansion Project Negative Declaration in accordance with CEQA. [Approve](#) a Special Use Permit as described above.

- g. [SP15-042](#). Special Use Permit to allow a 500 square foot expansion of an existing garage and the construction of a 700 square foot accessory structure in the rear yard of an existing single-family residence on a 0.57 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located approximately 200 feet northwest of Lupton Avenue and Glenwood Avenue (1535 Lupton Avenue) (Novotney, Donald J. and Michele C. Trustee, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15303(e) for New Construction or Conversion of Small Structures.
PROJECT MANAGER, ROSCOE MATA

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Special Use Permit as described above.

- h. [TR15-410](#). Live Tree Removal Permit to allow the removal of one (1) Oak tree, approximately 63 inches in circumference, and fourteen (14) non-ordinance sized trees, located in the northwest area of a San Jose Water Company water pump station on an approximately 1.51 gross acre site, in the R-1-5 Single-Family Residence Zoning District, located on the south side of Franciscan Way, approximately 150 feet west of Paso Los Cerritos (APN: 575-16-007). (San Jose Water Company, Owner). Council District 10. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, DAVID FONG

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Live Tree Removal Permit as described above.

- i. [TR15-437](#). Live Tree Removal Permit to allow the removal of one Cedar tree, 111 inches in circumference, located in the rear yard of a single-family residence on an approximately 0.14-gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 5650 Keymar Drive (James and Carol E. Trustee, Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, JENNIFER PIOZET

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Live Tree Removal Permit as described above.

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- j. [TR15-478](#). Live Tree Removal Permit to establish replacement planting requirements for one (1) Oak tree, approximately 82 inches in circumference, which was deemed hazardous by the City Arborist and removed from the front yard of a single-family residence, on an approximately 0.19 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 1301 Cherry Avenue. (Merlic, Kent & Dorothy, Owners). Council District 6. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, DAVID FONG

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Live Tree Removal Permit as described above.

- k. [TR15-484](#). Live Tree Removal Permit to allow the removal of one (1) Walnut tree, approximately 87 inches in circumference, located in the front yard of a single-family residence on an approximately 0.23 gross acre site, in the R-1-5 Single-Family Residence Zoning District, located at 363 Cloverdale Lane. (Matthews, Robert, Owner). Council District 1. CEQA: Exempt per CEQA Guidelines Section 15301 for Existing Facilities.

PROJECT MANAGER, DAVID FONG

Staff Recommendation: Consider the Exemption in accordance with CEQA. [Approve](#) a Live Tree Removal Permit as described above.

The Consent Calendar is now closed.

3. PUBLIC HEARING

No Items

This concludes the Planning Director's Hearing for December 02, 2015. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/index.aspx?nid=1765>

PUBLIC INFORMATION COUNTER

CITY OF SAN JOSÉ (408) 535-3555

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.